

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 00-6309-CR-SEITZ

00DPC 12/14/3:56  
CLERK U.S. DISTRICT COURT  
S.D. OF FLA., MIA  
#268  
HJM

UNITED STATES OF AMERICA,

v.

JULIUS BRUCE CHIUSANO,

Defendant.

**OBJECTION TO AND MOTION TO QUASH OR MODIFY SUBPOENA**

REPUBLIC SECURITY BANK ("Republic") by and through its undersigned counsel and pursuant to Rule 17, Fed.R.Crim.P. and § 655.059, Fla. Stat., hereby objects to and moves to quash or modify that Subpoena Duces Tecum served upon it in the above-captioned cause by Defendant, JULIUS BRUCE CHIUSANO ("Chiusano") seeking various banking records held by REPUBLIC SECURITY BANK ("Republic") and says:

1. On or about December 11, 2000 Defendant, Chiusano served Republic with a subpoena duces tecum for the production of documents relating to bank accounts held at Republic. A true and correct copy of the subpoena is attached hereto as Exhibit 1.
2. Republic objects to and moves to quash or modify the subpoena on the following grounds:
  3. First, Republic is precluded from producing its books and records, including the account records requested by § 655.059, Fla. Stat. unless compelled to do so by a court of competent jurisdiction.

4. The subpoena requires compliance by December 21, 2000. This is an unreasonably short period of time for the production of the documents requested. Republic will require at least 30 days after service, or up to and including January 10, 2001 to produce the documents requested.

5. In addition, Republic should be compensated by Defendant for any reasonable labor and copying costs incurred in producing the documents requested.

WHEREFORE, Republic objects to the subpoena and requests the court to enter an order quashing same; or in the alternative modifying the subpoena to allow Republic up to and including January 10, 2001 to comply therewith and to require Defendant to pay the costs incurred by Republic in complying with the subpoena.

#### **MEMORANDUM OF LAW**

Section 655.059, Fla. Stat. states in pertinent part:

the books and records of a financial institution are confidential and shall be made available for inspection and examination only

...

as compelled by a court of competent jurisdiction . . . .

Violation of § 655.059, Fla. Stat. is a felony of the third degree. As such Republic is absolutely precluded from producing the documents without the order of a court of competent jurisdiction.

In addition, in order to locate and produce the documents, Republic will have to divert employees from their normal duties. Republic estimates that several hours of employee time at \$25 per hour will be necessary in order to locate and reproduce the documents.

At present the subpoena requires compliance by December 21, 2000. As noted above, Republic estimates it will require at least 30 days from the date of service of the subpoena, or up to January 10, 2001 to produce the documents requested.

Under these circumstances, to the extent that the court orders Republic to comply with the subpoena and produce the documents, Republic would request that the court modify the subpoena to require Defendant to pay Republic reasonable labor costs incurred in locating the documents together with any copying costs incurred by Republic in the production of the documents as a condition to Republic's production of same; and to allow Republic up to and including January 10, 2001 to produce the requested documents.

Respectfully submitted,

GUNSTER, YOAKLEY & STEWART, P.A.,  
Attorneys for Republic Security Bank  
One Biscayne Tower - 35th Floor  
2 S. Biscayne Boulevard  
Miami, Florida 33131  
Telephone No. 305-376-6000  
Fax No. 305-376-6010  
E-Mail: jhart @gunster.com

By: \_\_\_\_\_

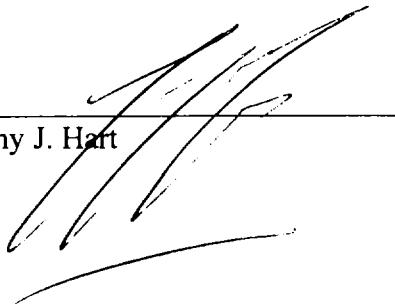
JEREMY J. HART  
Florida Bar No. 510645

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent by U. S. Mail this 12/16 day of December, 2000 to Donald R. Spadaro, Esq., 1000 South Federal Highway, Suite 103, Ft. Lauderdale, Florida 33316 and Brian McCormick, Esq., Assistant United States Attorney, U.S. Attorney's Office, 500 E. Broward Blvd., Suite 700, Ft. Lauderdale, Florida 33394.

By: \_\_\_\_\_

Jeremy J. Hart



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14/11/2000 14:33:44 954 877

REPUBLIC SECURITY BANK

FBI RESEARCH DEPT

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DEC-11-2000 01:54AM FROM REPUBLIC SECURITY BANK

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• ALISSA BALLOT

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AS OF Dec. 7/99 Subpoena Is On File

ALISSA —

**United States District Court  
Southern District of Florida**

CASE NUMBER: 00-6309-CR-SEITZ

UNITED STATES OF AMERICA

SUSPENSA IN A  
CRIMINAL CASE

v.

JULIUS BRUCE CHIUSANO,

TO: REPUBLIC SECURITY BANK - ATTENTION: ROBIN STEVENS  
4491 SOUTH STATE ROAD #7, DAVIE, FLORIDA 33314

- YOU ARE COMMANDED to appear in the United States District Court at the place, date and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

12/11/00  
100510

PLACE LAW OFFICE OF DONALD R. SPADARO 1000 South Federal Hwy., Suite 103 Ft. Lauderdale, Fl. 33316 Telephone: 954-763-5504	COURTROOM
DATE AND TIME THURSDAY, DECEMBER 21, 2000	

- YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

BANK STATEMENTS FOR I.H. WEISS, INC., FOR AUGUST 1999,  
ACCOUNT #0173004466. COPIES OF NOVEMBER 2, 1999 DEPOSIT OF CHEMICAL TRUST  
CHECK IN THE AMOUNT OF \$142,922.33, INCLUDING CHECK AND DEPOSIT SLIP. COPY OF DEPOSIT  
OF NOVEMBER 8, 1999, OF CHEMICAL TRUST CHECK IN THE AMOUNT OF \$263,867.87.  
NOVEMBER 10, 1999 CHECK OF \$184,068.57. ALL NOVEMBER 1999 BANK RECORDS  
ANY AND ALL RELEVANT NOTATIONS CONCERNING THE AFOREMENTIONED DEPOSITS. DOCUMENTATION  
CONCERNING THE TRANSFER OF MONIES FROM ACCOUNT #0173004466 TO ANY OTHER ACCOUNTS IN  
THE NAME OF IRVING WEISS.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

*[Signature]*

DATE

(BY) DEPUTY CLERK

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER  
 DONALD R. SPADARO, ESQUIRE  
 1000 South Federal Highway, Suite 103  
 Fort Lauderdale, Florida 33316  
 Telephone: 954-763-5504